IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO.9447 of 2001

Between:

Chintagunda Srinivasulu S/o Rammanaiah, Charmakarula Welfare Society, Reg. No.413/99, R/o Harinadapuram Nellore Town, Nellore District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh Rep. by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2 The Comissioner of Proh & Escise, Government of Andhra Pradesh, Nampally, Hyderabad.
3 The Superintendent of Prohibiotion & Excise, Nellore District.
4 M/s. Nirmala Wines Rep. by its License Holder P.Ayyala Reddy, S/o Ramachandra Reddy, R/o R.R.Street, Nellore Town Nellore District.
5 M/s. Sabaris Wines Rep. by its Proprietor G.Subash, Jonnalagadda Vari Street, Nellore Town Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders direction or directions, writ or writs particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the 2nd and 3rd Respondents in issuing the orders for shifting the Wine shops of 4th and 5th respondents to H.No.1078 and 16-3-1119, Harinadapuram, Nellore, respectively, is illegal arbitrary against the provisions of Excise Act and rules there under the policy of the Government, consequently direct the respondents 2 and 3 to cancel the shifting orders issued in favour of 4th and 5th Respondents.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondent Nos.1 to 3: G.P. FOR PROHIBITION & EXCISE

Counsel for the Respondent No.4: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos.4 and 5: NONE APPEARED

The Court made the following:

ORDER:

The petitioner assailed the orders of the respondents 2 and 3 in permitting the respondents 4 and 5 to shift their wine shops during the year 2001-'02. It is now submitted by the learned Counsel for the fifth respondent that they have surrendered the licence. In that view of the matter, nothing survives in this writ petition.

The writ petition is, therefore, dismissed as infructuous.

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(V.V.S.RAO,J)

29.06.2005

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To

1 The Secretary, Revenue Department, Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad.

2 The Comissioner of Proh & Escise, Government of Andhra Pradesh, Nampally, Hyderabad.

3 The Superintendent of Prohibiotion & Excise, Nellore District.

4 Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

5 Two C.D. Copies.